

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
MEDFORD DIVISION

HAL ANTHONY,

Case Number 10-3053-CL

Petitioner,

v.

REPORT AND RECOMMENDATION

KEN SALAZAR, Secretary of the  
Interior; et al.,

Respondents.

CLARKE, Magistrate Judge.

By order dated June 29, 2010, Plaintiff was directed to submit a complete application to proceed in forma pauperis, a copy of which was provided to him. On July 30, 2010, the court received a letter from Plaintiff demanding this court provide him with legal advice regarding the application and this action. By order dated August 13, 2010, this court granted Plaintiff an additional 30-day extension in which to retain counsel and directed Plaintiff to submit the completed application by September 13, 2010. Plaintiff failed to either submit the completed application or pay the required filing fee by that date. On September 20, 2010, Plaintiff was ordered to show cause by September 30, 2010, why this action should not be dismissed for failure to comply with the court's scheduling order and for want of prosecution. On September 28, 2010, the court received a letter

from Plaintiff again demanding the court provide him with legal advice regarding this action. As of September 30, 2010, Plaintiff has neither filed the completed application to proceed in forma pauperis, nor has Plaintiff paid the required filing fee.

Plaintiff's responses are not responsive to the court's orders. While the court sympathizes with Plaintiff's need for legal advice, it is improper for the court to provide such advice or otherwise counsel Plaintiff on the merits and procedural aspects of his claims. Based on the foregoing, it is recommended that this action be dismissed without prejudice for lack of prosecution.

**This recommendation is not an order that is immediately appealable to the Ninth Circuit Court of Appeals.** Any notice of appeal pursuant to Rule 4(a)(1), Federal Rules of Appellate Procedure, should not be filed until entry of the district court's judgment or appealable order.

The Report and Recommendation will be referred to a district judge. **Objections to this Report and Recommendation, if any, are due by October 19, 2010. If objections are filed, any response to the objections are due by November 5, 2010.** Federal Rules of Civil Procedure 72, 6.

Failure to timely file objections to any factual determinations of the Magistrate Judge will be considered a waiver of a party's right to de novo consideration of the factual issues and will constitute a waiver of a party's right to appellate review of the findings of fact in an order or judgment entered pursuant to the Magistrate Judge's recommendation.

DATED this 30 day of September, 2010.



MARK D. CLARKE  
United States Magistrate Judge